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OFFICE OF PETITIONS

In re Application of :
Russke et al. : DECISION ON PETITION TO
Application Number: 10/531681 : WITHDRAW HOLDING OF
Filing Date: 10/24/2005 : ABANDONMENT
Attorney Docket Number: BU- :
11PCT :
:

This is a decision on the petition, filed on October 3, 2007, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

A Notice of Abandonment was mailed on September 21, 2007, stating that the application was abandoned for failure to file a reply to the non-final Office action mailed on March 14, 2007, which set a three (3) month shortened statutory period for reply.

Petitioners assert that a timely reply to the non-final Office action was filed. In support, petitioner has provided, *inter alia*, a copy of a date-stamped postcard, showing receipt in the USPTO of an amendment and a three (3) month extension of time in the above-identified application, stamped with an Office-date of September 17, 2007, as well as a copy of an amendment bearing a certificate of mailing dated September 12, 2007, signed by registered patent practitioner Friedrich Kueffner.

A review of the record reveals that on September 17, 2007, an amendment and a three (3) month extension of time were filed in response to the Office action mailed on March 14, 2007. The amendment and extension of time request bears a certificate of mailing or transmission dated September 12, 2007, signed by petitioner's registered patent practitioner, Friedrich Kueffner. As such, the showing of record is that a response to the Office action mailed on March 14, 2007, was timely filed on September 12, 2007.

Accordingly, there is no abandonment in fact. The Office regrets the error.

The holding of abandonment is withdrawn. The Notice of Abandonment is vacated.

No petition fee is necessary and none has been charged.

The application is referred to Technology Center Art Unit 3612 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.



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